

1823

~~BFB~~

Case No - ~~WBK~~

2

Superior Court  
E. Dist.

(Marion Co - Columbia)

Miss. Archives  
and History

NO. 573

Stephen Gilmore  
vs.

Amey Gilmore

68



The State of Mississippi, Superior Court of  
Chancery Eastern District, Bill of Divorce  
Stephen Gilmore } Personally appeared  
vs. Gilmore } before the undersigned  
Amey Gilmore }  
Joshua G. Clark Judge of the Court  
aforesaid Isaac R. Nicholson complain-  
ant's solicitor who being duly sworn says  
the law directs saith that he believes  
the Testimony of Archibald Willingham  
Wiley Gilmore, and <sup>Joel Hammon</sup> ~~Wiley~~ to be  
material for the complainant in the  
above case, and this deponent further saith  
that he believes and is informed that  
said Witnesses reside without the  
limits of this State, he therefore  
prays for commissions to issue to take  
their Testimony.

Sworn to and sub-  
scribed before me  
this 13<sup>th</sup> day of August  
1824

I R Nicholson  
Comp Sol.

I R Nicholson  
Comp Solicitor  
J G Clark



affidavit for  
Commission

Filed 16<sup>th</sup> August 1824  
James Phillips Dep't Clerk  
East Dor.



Stephen Gilmore vs Amy Gilmore Bill for Divorce  
Superior Court of  
Chancery Eastern Dist.  
ict State of Mississippi

Interrogatory to be propounded  
to <sup>Harmon</sup> ~~Walter~~ Gilmore and <sup>Anderson</sup> ~~Walter~~ <sup>son</sup> ~~son~~  
~~of Orange~~ County State  
of North Carolina

Interrogatory 1<sup>st</sup> Are You or are  
You not acquainted with  
the parties in the above suit viz  
Stephen Gilmore and Amy his  
wife?

Interrog. 2<sup>o</sup> Do You or do You not know  
that the parties aforesaid formerly  
resided in the State of Georgia  
Jasper County, and that the  
Defendant some considerable  
time since left the State of  
Georgia and went to the State  
of North Carolina?

Interrog. 3<sup>o</sup> Do You or do You not know  
or believe that the said Defend-  
ant was delivered of a child



some considerable time after she came  
to State of North Carolina, and if so  
about what time was the child  
born?

Interrogatory. Do you or do you not believe  
that the said Defendant Amy  
has frequently been in habits  
of illicit commerce with other  
men since she came to the  
State of North Carolina?

J. R. Nicholson  
Complainant's  
Solicitor



Interrogatories  
to be propounded  
to Willie Gilmore  
of ~~Willie Gilmore~~  
Joel Hammond

(Original)

Filed 16 August

1824  
Samy Phelps Dep't Clerk  
East Dist



Stephen Gilmore } Bill for Divorce  
vs. } Superior Court of Chancery  
Amy Gilmore } Eastern District State of  
Mississippi.

Interrogatories to be propounded to  
Archibald Willingham of <sup>Dallas</sup> ~~Mississippi~~  
County State of ~~Georgia~~ Alabama

Interrogatory 1<sup>st</sup> Are you <sup>or are you not</sup> acquainted  
with the parties in the above  
suit, viz. Stephen Gilmore and  
Amy his wife?  
Answer

Interrogatory 2<sup>d</sup> How long did they live together  
as man and wife? Answer

Interrogatory 3<sup>d</sup> did You or did you not live with  
the parties aforesaid for some  
considerable time in the capacity  
of an overseer?

Interrogatory 4<sup>th</sup> Are You or are You not satisfied  
beyond the probability of a doubt  
that during the time the parties afores-  
aid lived together, that the said  
Amy was guilty of the crime of  
Adultery?

Inter 5<sup>th</sup> Did or did not the Deft. & my hear  
the House of the plff. her husband  
and go to the house of a man by  
the name of John Heard, and how  
long did she live there?

Inter 6<sup>th</sup> Are You, or are You not satisfied  
from various circumstances, that during  
the time she the Deft. lived at Heard's  
that she was in frequent practice  
of adultery?

Inter 7<sup>th</sup> Did You or did You not (While the  
Def. any lived at Heard's) hear  
the plaintiff invite her to go  
home, and she refused?

Inter 8<sup>th</sup> Did You or did You not hear  
the plaintiff demand her of Heard  
and his reply?

Inter 9<sup>th</sup> Did or did not the Defendant after  
she left Heard's leave the State  
of Georgia, and go to North Carolina?

Inter 10<sup>th</sup> Do You or do You not believe that  
it was the conduct of the Defend-  
ant which caused the plaintiff  
to sell out his property and remove  
from the State of Georgia?



Interrogatories to  
be propounded to  
Archibald Willing  
ham.

original

Filed 16<sup>th</sup> Aug<sup>o</sup>

1824

James Phillips Depose  
East Dist

The State of Mississippi vs. The State of Mississippi  
Marion County vs. Amy Gilmore of the County of Jackson  
Greeting

For certain causes offered before us in a Superior Court of Chancery of the State of Mississippi, We command you and strictly enjoin you, that laying all other matters aside and notwithstanding any excuse you personally be and appear before the Chancellor of the State of Mississippi at a Superior Court of Chancery to be holden for the Eastern District at the Court House, of Marion County on the third Monday in August next to answer to a Bill ~~to be~~ preferred against you by Lyman Gilmore Complainant in our said Court; and further to do and receive what the said Court shall have considered of in this behalf; and this you shall in no wise omit under the penalty of five hundred dollars; as well as the consequences that may fall thereon —

Witness the Honorable Joshua G. Clark Chancellor of the State of Mississippi, at the Court House of Marion County the third Monday in February Eighteen hundred and twenty three and in the 47<sup>th</sup> Year of the Sovereignty and Independence of the United States of America.

Spec'd 7<sup>th</sup> June 1823 James Phillips d. CLK  
East Dist.



4  
Sup Court of Chancery  
Eastern District  
August Term 1823

Stephen Gilmore  
Vs  
Amy Gilmore

Subpoena

the within named Amy  
Gilmore is not found  
in my County July 2<sup>d</sup>  
1823 - E. Williamson  
J. P. S. C.

Nicholson

and been delivered of an illegitimate  
child. Your orator further stated to  
Your honor that he is a resident of  
the State of Mississippi and has been  
for one year previous to the filing this  
his bill. he therefore prays Your honor  
that a subpoena may issue to summon  
the said Amy to appear before this honble  
Court at the Court house of Marion  
County in the Town of Columbia on the  
third Monday of August next to  
answer the said Complainants bill as  
aforesaid; and further that Your honor  
would make a decree for the divorcing and  
separating her the said Amy from Your orator.



conubial fidelity for about the space of  
eighteen months, and although by the Laws of  
God as well as their mutual vows and faith  
plighted to each other, they were reciprocally  
bound to that constancy and uniform regard  
which ought to be inseparable from the  
married state; - Yet so it is, may it  
please Your honor, that about eighteen  
months after the consummation of their mar-  
riage aforesaid, the said Amy became cool,  
regardless, and neglectful of the comfort and  
domestic happiness of Your Orator, owing  
as Your Orator believes to the formation of  
an illicit intimacy between the said Amy

The State of Mississippi  
Superior Court of Chancery  
Eastern District August Term 1825

Stephen Gilmore  
vs  
Amy Gilmore

Divorce

This cause came on

to be heard before the Honorable Joshua  
G. Clarke, Chancellor of the State aforesaid  
at the August Term aforesaid; and the  
Court after hearing the Evidence, and ar-  
-guments of counsel; made the following  
Order Judgment and Decree to wit:

The Court orders a judgment and  
Decree, and it is hereby ordered adjudged  
and decreed accordingly, that the said  
Stephen Gilmore be and he is hereby  
divorced from his wife Amy Gilmore;  
and that the Bonds of matrimony  
heretofore subsisting between them be  
and the same are hereby wholly and  
entirely dissolved and annulled as if  
the same had never existed.

It is further ordered adjudged and de-  
creed that the complainant pay the  
cost in this case.

J. G. Clarke



Aug<sup>t</sup> 15-4. Lic 20=  
40 - 40  
41

4176

Deer

Dec. 14<sup>th</sup> 1892

To the Honorable Joshua G. Clarke Chancellor  
of the State of Mississippi

Humily complaining sheweth unto  
Your honor your orator Stephen Gilmore  
of the County of Jackson and State aforesaid  
that on or about the 26<sup>th</sup> of May in the Year  
of Our Lord one thousand eight hundred  
and sixteen at the City of Raleigh in the State  
of North Carolina he intermarried with  
one Amy Pearson and immediately removed  
to the State of Georgia Jasper County. that  
Your orator and the said Amy lived together  
as man and wife enjoying the privates of

Superior County of Jackson

Eastern District

August Term 1823

Stephen Gilmore

Amy Pearson

Will for divorce

1824 filed 7<sup>th</sup> June  
1823. James Thompson & Co  
Attys at Law

1074



and other men of the neighborhood. Your  
Orator further states to Your honor that on  
or about the first of January in the Year of  
Our Lord one thousand eight hundred and  
twenty-two the said Amy actually absconded  
from the bed and boarding of Your orator  
without any just cause, and took up her abode  
in the dwelling house of her Paramour in the  
vicinity of Your orators residence; that after  
having remained there three or four months  
she returned to the state of North Carolina,  
and Your orator believins and understanding  
the said Amy had since her elopement  
from Your orator, <sup>been guilty of Adultery</sup> become pregnant  
from Your orator.

society fellowship and company in all future  
time to come, and from all marriage bond  
aforesaid as if he had never been married,  
or as if she the said Amy were naturally  
dead. And Your orator as in duty  
bound prays

J R Nicholson  
Solicitor for  
Complainant

Stephen Gilmore vs Bill for Divorce  
Superior Court of Chancery  
Any Gilmore Eastern District of Mississippi

Interrogatories to be propounded to  
Archibald Millingham of ~~Lowndes~~ <sup>Wilkes</sup> County  
State of Georgia — July 15<sup>th</sup> 1825

Interrogatory 1<sup>st</sup> Are You or are You not  
acquainted with the parties in the above  
suit viz Stephen Gilmore and Any his  
Wife?

Answer.

Interrogatory 2<sup>d</sup> How long did they live together  
as man and wife? Answer.

Interrogatory 3<sup>d</sup> Did You or did You not live with the  
parties aforesaid for some consider-  
able time in the capacity of an overseer

Interrogatory 4<sup>th</sup> Are You or are You not satisfied  
beyond the probability of a doubt that  
during the time the parties aforesaid  
lived together the said Any was  
Gilty of the crime of Adultery?

Interrogatory 5<sup>th</sup> Did or did not the said Any leave the  
House of the said her husband and go to  
the House of a man by the name of John Beard  
and how long did she live there?

Interrogatory 6<sup>th</sup> Are You or are You not satisfied from  
various circumstances that during the time  
she the said lived at Beard's that she was  
in frequent practices of Adultery?



Inter 7<sup>th</sup> - Did You or did You not (while she  
left Amy lived at Stears) hear the plaintiff  
write her to go home; and she refused?

Inter 8<sup>th</sup> - Did You or did You not hear the  
plaintiff demand her of Stears, and his reply?

Inter 9<sup>th</sup> - Did or did not the Defendant after  
she left Stears leave the State of Georgia, and  
go to North Carolina?

Inter 10<sup>th</sup> - Do You or do You not believe that it  
was the conduct of the Defendant which  
caused the plaintiff to sell out his  
property and remove from the State  
of Georgia? Monroe County William Johnston  
John Smith & Hollins Smith Commissioners

A true copy of the original Interrogatories  
on file in the Clerk's office of the Eastern  
District of the Superior Court of Chancery  
for the State of Mississippi.

June 11<sup>th</sup> 1825 James Phillips Dep't  
Clerk East. Dist.

Agave a house  
of William Smith  
The State of Mississippi vs  
a person to...

The State of Mississippi vs. <sup>in</sup> <sup>the</sup> <sup>case</sup> <sup>of</sup> <sup>the</sup> <sup>Superior</sup> <sup>Court</sup> <sup>of</sup> <sup>Marion</sup> <sup>County</sup> <sup>in</sup> <sup>the</sup> <sup>State</sup> <sup>of</sup> <sup>Georgia</sup> <sup>vs.</sup> <sup>William</sup> <sup>Smith</sup> <sup>Esquire</sup> <sup>a</sup> <sup>Justice</sup> <sup>of</sup> <sup>the</sup> <sup>Peace</sup> <sup>for</sup> <sup>the</sup> <sup>County</sup> <sup>of</sup> <sup>Marion</sup> <sup>Georgia</sup>

We reporting special trust and confidence in Your personal circumstances and fidelity, do hereby authorize and require You to cause to come before You Archibald Millingham of Your County, and him upon his oath examine of what he may know touching the Interrogatories herunto annexed, and in the case Stephen Gilmore vs. Amy Gilmore — and the deposition of the said Archibald Millingham so taken under Your hand and seal, into Our said Superior Court of Chancery at Columbia, in the said State of Mississippi, on or before the third Monday in August, next You transmit together with this writ

Witness the Honorable Joshua I. Clarke Esq. Chancellor of the State of Mississippi at Columbia (the Court House of Marion County) the third Monday in February 1825 and in the 49<sup>th</sup> Year of the Sovereignty and Independence of the United States of America.

Given 11<sup>th</sup> day of June 1825

James Phillips Sept. Clerk  
East. Dist.



Eastern District  
August Term 1825

Stephen Gilmore  
vs  
Amy Gilmore

State of Georgia } Stephen Gilmore  
Gwinnett County } Amy Gilmore  
vs  
Bill for Divorce Superior  
Court of Chancery Eastern Dist State  
Mississippi Marion County Interrogatories  
be propounded to Archibald Willingham  
By virtue of a Commission from the Honorable  
Superior Court of Chancery Eastern District  
Marion County to us Directed We have caused  
Archibald Willingham the Person in the  
said Commission named to come before us &  
being duly sworn True Answers to make to  
certain interrogatories to the said Commission  
annexed Disposed of Answers as follows

1st { Answers he Knows the Parties

2nd { Answers that they lived as man & wife  
Three Years to his Knowledge

3rd { he answers that he was employed by both  
of the Parties some Considerable Time

4th { Answers That he has Just Reasons to  
believe that said said Amy was guilty  
of the Crime of Adultery whilst he was  
in their Employment



State of Georgia } Stephen Gilmore  
Monroe County } Amy Gilmore  
Bill for Divorce Superior  
Court of Chancery Eastern Dist State  
of Mississippi Marion County Interrogatories  
To be propounded to Archibald Willingham  
By virtue of a Commission from the hon<sup>ble</sup>  
Superior Court of Chancery Eastern District  
in Marion County to us Directed We have caused  
Archibald Willingham the Person in the  
Said Commission named to come before us &  
Bring duly sworn True Answers to make to  
Certain interrogatories to the Said Commission  
Annexed Disposit & Answers as follows

Int<sup>1</sup> } Answers he knows the Parties

Int<sup>2</sup> } Answers that they lived as man & wife  
Three years to his knowledge

Int<sup>3</sup> } he answers that he was employed by both  
of the Parties some Considerable Time

Int<sup>4</sup> } Answers That he has Just Reasons to  
believe that said said Amy was guilty  
of the Crime of Adultery whilst he was  
in their Employment

Int<sup>5<sup>th</sup></sup>

he answers he saw the said Amy at  
said Heard & says said Amy  
that she was living there & remaining  
there two or three months

Int<sup>6<sup>th</sup></sup>

he answers that he saw her there three  
or four times but dont know of her  
committing adultery whilst at heard

Int<sup>7<sup>th</sup></sup>

answers that he heard the Plaintiff  
request her the said Amy to go  
home <sup>she said</sup> that she would not go with  
him

Int<sup>8<sup>th</sup></sup>

he heard the Plaintiff Demand her  
from said Heard & He replied that  
he would not give her up for she  
was under his protection

Int<sup>9<sup>th</sup></sup>

he answers that he went with said  
Amy near the Northcaroliner line  
& after words he received a letter  
from her stating that she was  
at her Parters in Northcarolina

Int<sup>10<sup>th</sup></sup>

he answers that he believes that  
the conduct of the Defendant  
was one part of the cause of the  
Plaintiff removing from the  
State of Georgia

Sworn to & Subscribed Before us this  
15<sup>th</sup> of July Eighteen hundred & seven  
Five & 49 year of the Independence of



Prison Court records  
1825-1826  
D. D. D.  
Commissioner

To His Honorable  
Joshua J. Clarke  
Esqr Chancellor of the  
State of Mississippi  
Columbia Court house  
Superior Court of  
Chancery Eastern  
District held in the  
County of Marion  
~~County~~ held on  
the Third Monday  
in August Term 1825

Stephen Gilmore  
vs.  
Amy Gilmore  
A Bill of Divorce

William B. D.

311  
176

John Smith

William B.